



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 5450-99

28 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 30 April 1970 at the age of 17.

Your record reflects that during the period from 26 June 1971 to 9 October 1973 you were in an unauthorized absence (UA) status on four occasions for 695 days. On 1 November 1974 you were convicted by general court-martial (GCM) of the foregoing periods of UA. You were sentenced to reduction to paygrade E-1, confinement for nine months, forfeitures totalling \$1,800, and a bad conduct discharge (BCD). A portion of the forfeitures and the BCD were suspended for 12 months.

On 17 June 1975, you were released from active duty under honorable conditions and transferred to the Marine Corps Reserve. Upon completion of your required service, you were issued a general discharge.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. At the time of discharge your

conduct average was 2.7. However, an average of 4.0 was required for a fully honorable discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that you would like your discharge upgraded to fully honorable. The Board further considered your contentions that your conduct average was only insufficiently high by .1 and that you tried to rebuild your conduct average so that you could receive a fully honorable characterization of service. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent and lengthy periods of UA, and since your conduct average was insufficiently high to warrant a fully honorable discharge. Further, the Board noted that your conviction by GCM precluded the issuance of a fully honorable discharge under regulations in effect at the time of your separation. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director